UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2454	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/534,336	BIEBER, JURGEN
	Examiner	**Art Unit**
	MARK O. AFOLABI	2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 November 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>27-32</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>27-32</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>05 November 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to application No. 10/534,336 filed on

09/26/2003, claims 9-27 have been examined.

2.   In this case, action was mailed 08/05/08 only communication after that is 11/05/08,

which is the request for reconsideration and claims 9-26 are canceled, claim 27 is

amended and new claims 28-40 were added.

Specification

3.   Acknowledge is made to applicant's amendment to previously raised objection to

the abstract of the disclosure due to improper language, Objection is hereby withdrawn.

Drawings

4.   Acknowledgement is made of applicant's amendment to drawings previously

objected to because they include reference character(s) not mentioned in the

description, objection is hereby withdrawn.

Claim Objections

5.   Acknowledgement is made to applicant's response to previous objections to claims

9 and 27, which are due to slashes symbol between descriptive elements in the claims,

objection is hereby withdrawn.

Response to Arguments

6.   Applicant's arguments filed on 05 November 2008 with respect to claims 9-26 now

canceled, claim 27 is amended and new claims 28-40 have been fully considered.

7.   **Applicant's arguments regarding the rejection of claims 9 and 10 rejected**

under 35 U.S.C. 102(b) has been considered.   Since these claims were canceled

examiner is moot on this issue.

8.   Regarding claim 27 which was previously rejected, applicant's amended the claim to

clarify applicant's *"first 8 and second 6 means are communications and format*

conversion means".   Specifically, applicant argues that first and second means recites

in a server, are deemed persuasive. Hence, new rejections are set forth as follows.

9.   Regarding the rejected claims under 35 USC 103, in light of the new claims, new

rejections are set forth as follows.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 27, 28, 33, 35 and 36, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Truong et al. (US 6,151,609) and Schwerdtfeger et al. (US

7,054,952) (Schwerdtfeger hereafter).

Regarding claim 27, a server (server, Fig. 1—item 14) for developing, producing, or

configuring an automation system, comprising:

        Truong teaches a storage system in the server (e.g. Fig. 2---item 44, 'storage',

and the "Remote Internet server 15 includes a server memory 46,

...and a mass storage device 44, col. 7, ln 34-40), in which are stored

in a first format files needed or created for the production or configuration of the

automation system; and

        a communication interface (e.g., common gateway interface ("CGI")), in the

server via which a remote client accesses   the files (e.g., Remote editor

program **40** may be implemented using a common gateway interface

("CGI") program, called a script, that receives the input from

web browser **32** of client **12**, processes the input and executes

other programs of remote Internet server **15** as necessary, and

provides any results to web browser 32 in HTML format, col. 8,

ln 10-17), wherein the interface comprises first means (e.g. Fig. 2---item

40, 'Remote Editor Program') for transmitting to one or more remote clients a copy of selected ones of the files in a second format that can be processed by the remote client (i.e., I/O devices, col.6, ln 13-24) (e.g., receiving a file selection from the web browser at the server, the file selection identifying one of the files; and is communicating a copy of one of the files from the server to the web browser for editing, claim 7), and the interface comprises second means (e.g. Fig. 2---item 40, 'Remote Editor Program') for receiving files created or modified from each remote client (col. 8, ln 10-37, particularly, 23-29 and col. 1, ln 51 through col. 2 ln 20) and storing the received files into the storage system in the first format. (e.g., remotely editing files stored on a remote Internet server, abstract)

Truong does not explicitly teach converting the received files into the first format.

However, **Schwerdtfeger teaches** a method wherein the interface is embodied converting the received files into the first format (e.g., receives an electronic document in a first digital format (e.g., HTML or XML, abstract).

It would have been obvious to one of ordinary skill in the art at the time invention was made, given the suggestions of Truong and Schwerdtfeger for producing a server and configuring an automation system comprising an interface for providing access to program files and data files by a remote client in the first format embodied as file format conversion.

One would be motivated to utilize a transcoder because it translates the document from one file format to a script expressed into a second format. In addition, it supplies a description of the elements within some portion of a particular document and includes identifiers assigned to the elements within some portion of the document

Regarding claim 28, wherein a plurality of clients access the files (e.g., Network

interconnection **10** includes the interface between Internet server **14** and a plurality of clients, col. 5, ln 7-14 and col. 1, ln 31-40, Truong), and further comprising a security device in the server that authorizes (e.g., Fig. 5, 'Password' on Remote Editor System, Truong) a specific selection of the files to each of the clients by password interrogation (e.g., Fig. 3B—item 118, Truong).

Regarding claim 33, a server for engineering and configuring an automation system, comprising:

a memory in the server for storing files for engineering (e.g., col. 7, ln 34-40) and configuring the automation system, wherein the files are stored in a first format (e.g., first digital format (e.g., HTML or XML, abstract), Schwerdtfeger) that can be processed by the server (e.g., a remote editor system **(26)** is provided for remotely editing files stored on a remote Internet server **(15)**, Truong); and

an interface in the server for providing network access to the files by a client remote from the server (e.g., Remote editor program **40** may be implemented using a common gateway interface ("CGI") program, called a script, that receives the input from web browser **32** of client **12,** processes the input and executes other programs of remote Internet server **15** as necessary, and provides any results to web browser 32 in HTML format, col. 8, ln 10-17, Schwerdtfeger), wherein the interface comprises:
a first means (e.g. Fig. 2---item 40, 'Remote Editor Program', Truong) for making a copy of selected files in the memory, converting the copy to a second format (i.e., text string entered), that can be processed by the client and transmitting the copy in the second format (i.e., translate the first portion of document **12** from a first digital format (e.g., HTML)

to a script expressed in a second digital format (e.g., a scripting language understood by a user agent **40** within client machine **22,,** col. 7, ln 5-20, Schwerdtfeger) and

a second means (e.g. Fig. 2---item 40, 'Remote Editor Program', Truong) for receiving files created or modified by the remote client, converting the received files from a received format into the first format (e.g., receiving a file selection from the web browser at the server, the file selection identifying one of the files; and is communicating a copy of one of the files from the server to the web browser for editing, claim 7, Truong), and storing them in the memory.

Regarding claim 35, further comprising an access management device, which, if more than one remote client accesses a file stored in the memory, only allows access (e.g., a client machine coupled to (i.e., in wired or wireless communication with) a transcoder proxy, col. 3, lines 13-52, particularly 13-22, Schwerdtfeger) by one of these remote clients (e.g., PDA, Schwerdtfeger).

Regarding claim 36, wherein a plurality of clients access the files (e.g., Network interconnection **10** includes the interface between Internet server **14** and a plurality of clients, col. 5, ln 7-14 and col. 1, ln 31-40), and further comprising a security device in the server that authorizes (e.g., Fig. 5, 'Password') each client access to a specific selection of files in the memory by password interrogation of each client (e.g., Fig. 3B—item 118, Truong).

12.   Claims 29-32 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong (US 6,151,609) in view of Schwerdtfeger (US 7,054,952) and in further view of `Vishlitzky` et al. (U 2003/0195886) (`Vishlitzky` hereafter).

Regarding claim 29:

Truong and Schwerdtfeger teach all the limitation of claims 27 and 33 for a server development or configuring remote client is embodied as a browser-based client and an access management device `(e.g., col. 3, lines 53-67, Schwerdtfeger)` in the server.

However, ***Truong and Schwerdtfeger fail to teach*** that resolves conflicts when first and second clients attempt to simultaneously access a given file by locking the given file for access by only the first client, and indicating a locked status to the second client.

Vishlitzky teach the resolves conflicts when first and second clients attempt to simultaneously access a given file by locking the given file for access by only the first client, and indicating a locked status to the second client (e.g., `access to data may be controlled by a flag or lock that prohibits multiple processes having access to the data simultaneously, [0048], Vishlitzky`) and indicating a locked status to the second client (e.g., [0048], `Vishlitzky`).

It would have been obvious to one of ordinary skill in the art at the time invention was made to apply the teachings of Truong and Schwerdtfeger for configuring an automation system with simultaneously accessing a given file by locking the given file for access. One would be motivated to embark on this procedure for security and make sure an updated file is maintained at all time to all users.

Regarding claim 30, wherein the access management device (e.g., col. 3, lines 53-67, Schwerdtfeger) prioritizes access to the given file by locking the given file for access by an earliest requesting client until the earliest requesting client releases the file (e.g., a process accessing data may need to wait until another process releases the data, [0048], Vishlitzky).

Regarding claim 31, wherein the access management device coordinates access to the given file by locking the given file for access by an earliest requesting client until a later requesting client requests the file, then notifies the earliest requesting client of the later requesting client, and allows the earliest requesting client to choose to retain access or release it (e.g., a hardware lock controls access to a software lock (flag) so that a process first obtains control of the hardware lock, tests the software lock, and then, if the software lock is clear, the process sets the software lock and then releases the hardware lock. If the process gets the hardware lock and determines that the software lock is not clear, then the process releases the hardware lock so that another process that has set the software lock can clear the software lock at a later time, [0048], Vishlitzky).
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Regarding claim 32, wherein the access management device prioritizes access to the given file by assigning different access priorities to different clients (e.g., In addition, the tables corresponding to devices accessed by a particular host may be stored in local memory of the corresponding one of the HA's **32-36**. In addition, the **RA48** andlor the DA's **36-38** may also use and locally store portions of

the tables **102, 112, 122, [0044],** Vishlitzky **i.e., the use of table signified priority by picking the first one on the list)**, locks the given file for access by an earliest requesting client until a later requesting client requests the given file, then compares the access priorities of the earliest and later requesting clients, and if the later requesting client has higher access priority than the earliest requesting client, notifies the earliest requesting client that access to the given file will be switched to the later requesting client, otherwise continuing to reserve the given file for the earliest requesting client (e.g., [0048], Vishlitzky).

Regarding claim 37, further comprising an access management device in the server that resolves conflicts when first and second clients attempt to simultaneously access a given file by locking the given file for access by only the first client (e.g., access to data may be controlled by a flag or lock that prohibits multiple processes having access to the data simultaneously, [0048], Vishiltzky) and indicating a locked status to the second client (e.g., [0048], Vishlitzky).

Regarding claim 38, wherein the access management device prioritizes access to the given file by locking the given file for access by an earliest requesting client until the earliest requesting client releases the file (e.g., a process accessing data may need to wait until another process releases the data, [0048], Vishlitzky).

Regarding claim 39, wherein the access management device coordinates access to the given file by locking the given file for access by an earliest requesting client until a later requesting client requests the file, then notifies the earliest requesting client of the

later requesting client, and allows the earliest requesting client to choose to retain access or release it (e.g., a hardware lock controls access to a software lock (flag) so that a process first obtains control of the hardware lock, tests the software lock, and then, if the software lock is clear, the process sets the software lock and then releases the hardware lock. If the process gets the hardware lock and determines that the software lock is not clear, then the process releases the hardware lock so that another process that has set the software lock can clear the software lock at a later time, [0048], Vishlitzky).

Regarding claim 40, wherein the access management device prioritizes access to the given file by assigning different access priorities to different clients, locks the given file for access by an earliest requesting client until a later requesting client requests the given file, then compares the access priorities of the earliest and later requesting clients, (e.g., Processing begins at a first step 172 where it is determined if the particular track corresponding to the device table entry being written is on the standard logical device or the log device. If it is determined the particular track of interest is on the standard logical device, control passes from the step 172 to a step 178 where the track corresponding to the device table entry being written is locked. Locking the track at the step 178 prevents other processes from getting access to the track, and from modifying the corresponding table entry, [0049], Vishlitzky) and if the later requesting client has higher access priority than the earliest requesting client, notifies the earliest requesting client that access to the given file will be switched to the later requesting client, otherwise continuing to reserve the given file for the earliest requesting client (e.g., If it is determined at the test step 322 that one or more protection bits are set for the

tracks of the standard logical device that are being written, control passes from the step 322 to a step 326, where the HA sends a request to the DA indicating that protection bits are set for the tracks. When the DA receives the request that is sent at the step 326, the DA performs the operations set forth in the flow chart 300 of FIG. 11, [0070] and Fig. 11, Vishlitzky).

13.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truong (US 6,151,609) and Schwerdtfeger (US 7,054,952) and in further view of Lee et al. (WO 2002-095954) (Lee hereafter).

Regarding claim 34:

Truong and Schwerdtfeger teach all the limitation of claim 33 and also the remote client is embodied as a browser-based client that communicates with the interface via an Internet or Intranet data line (e.g., ability to remotely access, view, edit, and save a server file using any client having a web browser and connected to the Internet., col. 3, ln 44-54, Truong);

the first and second means provide conversion means for graphics files and conversion means for text files (e.g., transcoder proxy **28** may convert graphics images within electronic document **12** from one format to another, col. 7, ln 11-26, Schwerdtfeger);

the conversion means (item 28 of Fig. 4) for graphics files converts graphics files stored in the memory into an SVG format (e.g., GIF formats to scaled vector graphicslSVG format, etc., Schwerdtfeger) that can be processed by the remote client (e.g., client 22 of Fig. 2, Schwerdtfeger) and vice versa (i.e.,

from one format to another) (col. 7, lines 11-25, Schwerdtfeger); and

However, ***Truong and Schwerdtfeger*** does not explicitly teach the file format conversion mean for text files convert into a DHTML format, which can be processed by the remote client

But, ***Lee teaches*** the file format the conversion means (Fig. 1—item (1-4) for text files converts the text files stored in the memory into a DHTML format that can be processed by the remote client (abstract).

It would have been obvious to one of ordinary skill in the art at the time invention was made to apply the teachings of Lee's conversion mechanism wherein the text files are been converted into DHTML format for the remote clients to properly display depending upon the type of device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK O. AFOLABI whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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